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December 6, 2018

VIA ECF

Magistrate Judge Steven I. Locke
U.S. District Court, Eastern District
Alfonse M. D'Amato U.S. Courthouse
100 Federal Plaza, Room 824
Central Islip, NY 11722-4449

Re: Brian Pfail v. Village of Garden City, et al.
EDNY Docket No.: 16-cv-3832 (LDW)(SIL)
Our File No.: 6821-1624

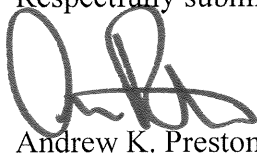
Dear Magistrate Judge Locke,

This office represents the Defendants in the above-referenced action. We write in opposition to Plaintiff's December 5, 2018 letter (DE:22) which requested a conference to discuss reinstating this matter to the Court's calendar.

On July 19, 2017, Judge Wexler issued an order administratively closing this case, "without prejudice to reopen upon the completion of the underlying State Court action." That order directed the parties "to contact this Court within forty-five (45) [days] of the completion of said action to determine whether this case should be reopened.

Plaintiff's criminal prosecution was dismissed after a jury trial on November 27, 2017; Plaintiff's deadline to recommence this action was January 11, 2018, and Plaintiff failed to do so. Accordingly, we oppose Plaintiff's request to reinstate this matter to the Court's calendar.

Respectfully submitted,



Andrew K. Preston

AKP/kb